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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/954,603

Filing Date September 17, 2001

First Named Inventor Eatough et al.

Art Unit 1764

Examiner Name A. Neckel

Attorney Docket Number 3195-6715US

ENCLOSURES (check all that apply)		
Fee Transmittal Form	☐ Drawing(s)	After Allowance Communication to TC
Fee Attached	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences
⊠ Amendment / Reply	Petition	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ After Final	Petition to Convert to a Provisional Application	Proprietary Information
Affidavits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address	Status Letter
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Reply to Missing Parts/	The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm	TraskBritt, P.C.	
Signature	James X	
Printed Name	Laurence B. Bond	
Date	October 11, 2006 Reg.	30,549
CERTIFICATE OF MAILING		

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application of:

Eatough et al.

**Serial No.:** 09/954,603

Filed: September 17, 2001

For: CLEAN PRODUCTION OF COKE

**Confirmation No.: 8272** 

Examiner: A. Neckel

Group Art Unit: 1764

Attorney Docket No.: 3195-6715US

NOTICE OF EXPRESS MAILING

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## RESPONSE TO COMMUNICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Responsive to the Communication dated 11 September 2006, applicant provides the following response to the rejection of Claim 67 in the Office Action dated 21 June 2005.

Claims 67 stands rejected under 35 USC 103(a) over Loebell in view of Weber et al. (hereinafter "Weber"). Applicant respectfully traverses the instant rejection. Claim 67 is directed to a method of placing coke fines obtained as salvage from a prior production of coke into a pyrolyzer in association with a quantity of low grade coal fines. In essence, the instantly claimed method is directed toward a process of utilizing carbonaceous materials which are not traditionally employed for the production of coke. In contrast, Weber is directed to a method which utilizes "normal, washed, fine coal or fine coal mixtures with a grain size of 0 to 10 mm

and a swelling index of not more than 5 in the dry state." (See col. 2, lines 10-13.) The instant claim are not restricted to the fine coal or fine coal mixtures having the characteristics noted by Weber. Instead, the instant claim is directed to a method which utilizes resource material which has been traditionally viewed as unusable for coke production. Loebell is directed to a method of making carbonized briquettes. Loebell does not appear to be directed toward a process adapted for producing a high quality coke from a mixture of non-traditional carbonaceous materials wherein segregating coke and by-products forms a central focus of the process. Applicant submits that a modification of Loebell in view of Weber would not result in a method which anticipates claim 67 in that the method of Weber is restricted to initial ingredients which do not include the low quality coal materials made subject to claim 67. In view of this consideration, applicant submits that claim 67 distinguishes over Loebell and Weber.

Respectfully submitted

Laurence B. Bond

Registration No. 30,549 Attorney for Applicant(s)

TRASKBRITT P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

Date: 11 October 2006

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